



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : J. Stuart Cumming Confirmation No. 2364
Appl. No. : 09/943,910
Filing Date : 08/31/2001
Title : LENS ASSEMBLY FOR DEPTH OF FOCUS
Group Art Unit : 3738
Examiner : Kamrin R. Landrem
Docket No. : 13533.4030

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Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

ELECTION

Sir:

In response to the Office Action dated November 18, 2003, applicant hereby elects the Species F Figures 10-11. Claim 9-14, 17, 21-22, 25-27 and 55-60 read on the elected species. Claims 9-14, 17, 21-22, 25 and 55-60 are generic to Figures 1-5, 8-19, 22-23, 25-26 and 28-29.

It is respectfully submitted that the claims readable on the elected species are all patentable over the cited art for reasons previously submitted, particularly in response to the last Office Action.

The Examiner indicated that claim 1-29 are pending in this application. However, it is submitted that because of the cancellation and rewriting of certain claims the currently pending claims are claims 1, 2, 5-14, 16-29, and 55-60.

02/10/2004 DBROOKS 00000002 150665 09943910
01 FC:2252 210.00 DA

Adjustment date: 06/09/2004 EEKUBAY1
02/10/2004 DBROOKS 00000002 150665 09943910
01 FC:2252 210.00 CR

CERTIFICATE OF MAILING 37 CFR §1.8

I hereby certify that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the U.S. Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: January 28, 2004

Karen Johnson
Karen Johnson

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In view of the foregoing, a notice of allowance is earnestly solicited.

Respectfully submitted,

Orrick, Herrington & Sutcliffe LLP

Dated: January 28, 2004

By: 

Samuel B. Stone
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